

### **REMARKS**

This is submitted as a full and complete response to the outstanding Office Action. The Examiner has required the Applicant to elect a specific amino acid sequence. Since the Applicant previously elected the invention of Group I, Claims 1 – 10, drawn to a method for performing an assay for protein oxidation, the Applicant hereby elects the amino acid sequence of HRGYPGLDG of Claim 9, for further examination, **with traverse**.

It is respectfully submits that the amino acid sequences are related to a single general inventive concept under PCT Rule 13.1 because the species share the same or corresponding special technical features. For example, both the amino acid sequences of HRGYPGLDG (Claim 9) and LQYMRA (Claim 10) are amino acid wherein the amino acid residue is a nitrated tyrosine. This is supported by the specification at paragraph 12 on page 2 (“an amino acid sequence which contains one or more aromatic amino acid residues in nitrated form”).

In addition, Applicant respectfully submits that Beckman does not disclose or suggest the present application as claimed. More specifically, the present application is directed to a method for measuring a specific sequence which undergoes nitrated during the pathological process, whereas Beckman describes a method for measuring nitrotyrosine in ubiquitous protein including superoxide dismutase, albumine, etc. The antiserum described in the present application does not recognize free nitrotyrosine whereas Backman’s method recognizes overall free nitrotyrocines, indicating that the method described in the present application is completely different from those described in Beckman.

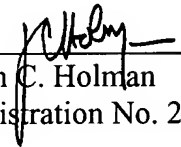
Because the amino acid sequences are related to a single general inventive concept under PCT Rule 13.1 for the reasons stated above, withdrawal of the election of species requirement is respectfully requested.

An action on the merits of all of the claims and a Notice of Allowance thereof are also respectfully requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: January 5, 2007  
(202) 638-6666  
400 Seventh Street, N.W.  
Washington, D.C. 20004  
Atty. Dkt. No.: P70090US0

By   
John C. Holman  
Registration No. 22,769